

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

UNITED STATES OF AMERICA,

Plaintiff,

v.

ORDER

Crim. File No. 08-14 (MJD/SRN)

(1) CHRISTIAN HERNANDEZ-SELDANA,
(2) RAMIRO CUEVAS-MARTINEZ,
(3) EDDY MEDINA-GARZA,
(4) FELIZ MURGUIA-GARCIA, and
(5) PHAT MINH NGUYEN,

Defendants.

Steven L. Schleicher, Assistant United States Attorney, Counsel for Plaintiff
United States of America.

Richard J. Malacko, Gray & Malacko, Counsel for Defendant Christian
Hernandez-Seldana.

Jordan S. Kushner, Law Office of Jordan S. Kushner, Counsel for Defendant
Ramiro Cuevas-Martinez.

Andrea K. George, Office of the Federal Defender, Counsel for Defendant Eddy
Medina-Garza.

Glenn P. Bruder, Mitchell Bruder & Johnson, Counsel for Defendant Feliz Murguia-Garcia.

John L. Lucas, Attorney at Law, Counsel for Defendant Phat Minh Nguyen.

The above-entitled matter comes before the Court upon the Report and Recommendation of United States Magistrate Judge Susan Richard Nelson filed March 21, 2008. [Docket Nos. 124-128]

Defendants Christian Hernandez-Seldana, Ramiro Cuevas-Martinez, Eddy Medina-Garza, and Feliz Murguia-Garcia filed no objections to the Report and Recommendation. Defendant Phat Minh Nguyen did file an objection to one specific portion of the Report and Recommendation: the portion of the Report and Recommendation denying the motion to suppress statements by Nguyen.

Pursuant to statute, the Court has conducted a de novo review of the record. 28 U.S.C. § 636(b)(1); Local Rule 72.2(b). Based on that review the Court adopts the Report and Recommendation filed March 21, 2008.

Accordingly, based upon the files, records, and proceedings herein, **IT IS HEREBY ORDERED** that:

1. The Magistrate Judge's Report and Recommendation filed March 21, 2008 [Docket Nos. 124, 125, 126, 127, and 128] is hereby **ADOPTED**.

2. Defendant Christian Hernandez-Seldana's Motion to Suppress Evidence Obtained as a Result of Search and Seizure [Docket No. 57] is **DENIED**;
3. Defendant Christian Hernandez-Seldana's Motion to Suppress Statements [Docket No. 58] is **DENIED AS MOOT**;
4. Defendant Christian Hernandez-Seldana's Motion to Suppress Government Interception of Wire or Oral Communications [Docket No. 59] is **DENIED**;
5. Defendant Christian Hernandez-Seldana's Motion to Suppress Eyewitness Identifications [Docket No. 61] is **DENIED**;
6. Defendant Ramiro-Cuevas's Motion to Suppress Statements [Docket No. 84] is **DENIED AS MOOT**;
7. Defendant Ramiro-Cuevas's Motion to Suppress Evidence from Search and Seizure [Docket No. 85] is **DENIED**;
8. Defendant Ramiro-Cuevas's Motion to Suppress Witness Identifications [Docket No. 86] is **DENIED**;
9. Defendant Ramiro-Cuevas's Motion to Suppress Wiretap Evidence [Docket No. 88] is **DENIED**;
10. Defendant Eddy Medina-Garza's Motion to Suppress Eyewitness Identifications [Docket No. 42] is **DENIED**;
11. Defendant Eddy Medina-Garza's Motion to Suppress Evidence Obtained from Search and Seizure [Docket No. 46] is **DENIED**;
12. Defendant Eddy Medina-Garza's Motion to Suppress Statements [Docket No. 47] is **DENIED AS MOOT**;

13. Defendant Feliz Murguia-Garcia's Motion to Suppress Statements [Docket No. 67] is **DENIED AS MOOT**;
14. Defendant Feliz Murguia-Garcia's Motion to Suppress Evidence Derived from Electronic Surveillance [Docket No. 68] is **DENIED**;
15. Defendant Phat Minh Nguyen's Motion to Suppress [Docket No. 91] is **DENIED**;
16. Defendant Phat Minh Nguyen's Motion to Dismiss Conspiracy Count [Docket No. 92] is **DENIED**;
17. Defendant Phat Minh Nguyen's Motion to Suppress Statements [Docket No. 98] is **DENIED**; and
18. Defendant Phat Minh Nguyen's Motion to Suppress Wiretap Evidence [Docket No. 101] is **DENIED**.

Dated: May 28, 2008

s / Michael J. Davis
Judge Michael J. Davis
United States District Court